

ASSEMBLY BILL

No. 367

Introduced by Assembly Member Smyth

February 14, 2011

An act to add Section 15631.5 to the Welfare and Institutions Code, relating to elder abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 367, as introduced, Smyth. Elder abuse: reporting.

The Elder Abuse and Dependent Adult Civil Protection Act establishes various procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse. The act requires certain persons, called mandated reporters, to report known or suspected instances of elder or dependent adult abuse, and the failure of a mandated reporter to report physical abuse and financial abuse of an elder or dependent adult under the act is a misdemeanor. The act requires the mandated reporter to report the abuse to the adult protective services agency or the local law enforcement agency if the abuse occurs anywhere other than a long-term facility.

The act permits a person who is not a mandated reporter who knows, or reasonably suspects, that an elder or dependent adult has been the victim of abuse in a place other than a long-term care facility to report that abuse to the county adult protective services agency or the local law enforcement agency.

This bill would require a county adult protective services agency or a local law enforcement agency to accept a report by a mandated reporter, or any other person, of suspected elder or dependent adult abuse even if the agency lacks jurisdiction to investigate the report, unless the call can be immediately transferred to an agency with proper

jurisdiction. This bill would also require a county adult protective services agency or a local law enforcement agency that lacks jurisdiction to immediately refer the report of suspected abuse by telephone, facsimile, or electronic transmission to an agency with proper jurisdiction. By requiring county adult protective services agencies and local law enforcement agencies to provide a higher level of service, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 15631.5 is added to the Welfare and
2 Institutions Code, to read:
3 15631.5. Reports of suspected elder or dependent adult abuse
4 pursuant to either subparagraph (C) of paragraph (1) of subdivision
5 (b) of Section 15630 or subdivision (b) of Section 15631 may be
6 made to any county adult protective services agency or local law
7 enforcement agency. Any county adult protective services agency
8 or local law enforcement agency shall accept the report of
9 suspected elder or dependent adult abuse even if the agency to
10 whom the report is being made lacks subject matter or geographical
11 jurisdiction to investigate the reported case, unless the county adult
12 protective services agency or the local law enforcement agency
13 can immediately transfer the call reporting suspected elder or
14 dependent adult abuse to a county adult protective services agency
15 or a local law enforcement agency with proper jurisdiction. If a
16 county adult protective services agency or a local law enforcement
17 agency accepts a report about a case of suspected elder or
18 dependent adult abuse in which that agency lacks jurisdiction, the
19 agency shall immediately refer the case by telephone, facsimile,
20 or electronic transmission to a county adult protective services
21 agency or a local law enforcement agency with proper jurisdiction.

1 SEC. 2. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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